

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 7 October 2003
(*Afternoon*)

Session 2

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CONTENTS

Tuesday 7 October 2003

	Col.
CONSTITUTIONAL TREATY (CIVIC ENGAGEMENT)	131
SCOTTISH EXECUTIVE (SCRUTINY)	136
CONVENER'S REPORT	141
SIFT	152

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE 5th Meeting 2003, Session 2

CONVENER

*Richard Lochhead (North East Scotland) (SNP)

DEPUTY CONVENER

*Irene Oldfather (Cunninghame South) (Lab)

COMMITTEE MEMBERS

Dennis Canavan (Falkirk West)

*Mrs Margaret Ewing (Moray) (SNP)

Phil Gallie (South of Scotland) (Con)

*Mr John Home Robertson (East Lothian) (Lab)

Gordon Jackson (Glasgow Govan) (Lab)

Mr Alasdair Morrison (Western Isles) (Lab)

*Mr Keith Raffan (Mid Scotland and Fife) (LD)

COMMITTEE SUBSTITUTES

*Ms Wendy Alexander (Paisley North) (Lab)

Murdo Fraser (Mid Scotland and Fife) (Con)

Nora Radcliffe (Gordon) (LD)

Nicola Sturgeon (Glasgow) (SNP)

*attended

CLERK TO THE COMMITTEE

Stephen Imrie

ASSISTANT CLERKS

Nick Hawthorne

David Simpson

LOCATION

Committee Room 3

Scottish Parliament

European and External Relations Committee

Tuesday 7 October 2003

(Afternoon)

[THE CONVENER *opened the meeting at 14:01*]

Constitutional Treaty (Civic Engagement)

The Convener (Richard Lochhead): Good afternoon. I welcome everyone to the fifth meeting of the European and External Relations Committee in the second session. I have received apologies from Gordon Jackson, Dennis Canavan, Phil Gallie and Alasdair Morrison.

Without further ado, let us move on to the first agenda item, which is on the proposed debate on the constitutional treaty. Members will recall that we decided at our last meeting that there is not enough time to take evidence and to hold a proper inquiry during the forthcoming intergovernmental conference. Instead, we decided to take evidence during the conference from Scottish and United Kingdom ministers and, thereafter, to hold information events in Edinburgh and perhaps around the country. I hope that everyone has had a chance to read the briefing paper that outlines the options and discusses how we could proceed. I invite comments from members.

Irene Oldfather (Cunninghame South) (Lab): I have some suggestions about the options. If the information event is to be held in the chamber, I suggest that it should not last for a full day—I think that John Home Robertson will agree with me about that. Last time, we held an event that lasted for a full day. We encourage people to travel from throughout Scotland and, if we start at half past 9 and finish at half past 4 or 5 o'clock, that makes for an incredibly long day. Last time, people coming from my constituency had to leave at 7 am.

I suggest that the chamber event should be a half-day event, particularly as we are thinking about supplementing it with other meetings throughout Scotland. In that vein, option 2 on the briefing paper proposes that the locations of public meetings or hearings might be Edinburgh or Glasgow. If we hold a chamber event, people from Glasgow would come to Edinburgh anyway; I presume that we would take that into account. A reasonable spread of other possible locations is

given and those options include the areas that most members of the committee come from. I am sure that Phil Gallie would, like me, be particularly interested in an Ayrshire event.

In Edinburgh and Glasgow, there is a preponderance of groups—such as the European Movement, the Europa institute and other interested academic bodies—that are holding public meetings to inform people about the IGC. If we keep our event to a half day, that might have the additional advantage that we could hold the meeting on a Tuesday or a Wednesday morning, instead of having to hold it on a Monday or Friday. As we are planning well ahead, there might be the opportunity to timetable it for a Tuesday or Wednesday. Presumably, the IGC will not conclude until January or February; we are considering holding an informative event after that, so we have quite a bit of lead time to arrange to occupy the chamber.

Mr Keith Raffan (Mid Scotland and Fife) (LD): I do not entirely agree with Irene Oldfather. It would be a good idea to run the event over a fairly short day—perhaps from 10.30 or 11 am until 4 o'clock—rather than over a half day, which would disappear very quickly.

There should be events in Aberdeen and Dundee as part of the series of public meetings across Scotland. I should be careful about what I say, as we have new cities, but it is important that there are meetings in the four major cities.

I want to raise a few points. Will the meetings be introduced by a specialist? How will they be run? Will the Scottish Civic Forum retain a role or will we use the Parliament's civic participation fund? As Irene Oldfather indicated, we do not know when the IGC will end, but it is desirable that we organise the meetings to be held before Easter and before the campaign gets under way. We would be well advised to go ahead with the selection of venues and perhaps with a tentative selection of dates in March. March is not far away, so if we want a reasonable choice of venues we must go ahead now. The meetings should also be linked to activities that encourage people to vote in the June elections to the European Parliament.

A bit of a tennis match is going on between the committee and the Executive. The Executive talks vaguely about national debates without proposing anything specific and then asks us what we are going to do. We will probably go back to the Executive to ask it about its plans, now that we are doing something. We should put pressure on the Executive to do something, but whatever it does should be integrated with our plans.

Mrs Margaret Ewing (Moray) (SNP): We have been round all the roundabouts on the issue and many of us appreciate the importance of involving

the civic population of Scotland. I have read the briefing paper carefully and I do not object to Irene Oldfather's idea that we should have only half a day on the subject in the chamber. There is a feeling in other parts of the country that everything becomes centralised in Edinburgh. On that basis, I suggest that we take up option 4 in the paper. We should include not just Aberdeen, as Keith Raffan suggests, but Inverness, as there are extensive implications for the Highlands.

Mr Raffan: Inverness is mentioned in the paper.

Mrs Ewing: Yes, but you mentioned Aberdeen so I mention Inverness. I recommend that the committee adopt option 4.

Mr John Home Robertson (East Lothian) (Lab): Keith Raffan is dead right. It is important to co-ordinate our actions with those of the Executive. It would be silly to duplicate explanations or activities that encourage people to vote.

I also strongly agree with what Irene Oldfather said about the risk of running an all-day event in the chamber. When we do that, the usual suspects from lobbying and pressure groups in Edinburgh tend to hog the whole thing. It is important that what we do is seen to be accessible by people all over Scotland. A half-day event need not take up either a morning or an afternoon; it could take place over the middle of the day to facilitate transport.

The Convener: I agree that the event does not have to take a whole day, especially as there is consensus in the committee that we should avoid bringing in the usual suspects. We must make an extra-special effort to engage the public—as opposed to officials who are paid by lobbying groups. I hope that the Parliament's civic participation unit, which is making great efforts to drive the Parliament down that road, will advise us on how to achieve that level of engagement with the public. In addition, the fact that events will take place around the country means that we could make the Edinburgh event shorter.

The final part of option 4 suggests that the committee secure a debate in the chamber. It might be an idea to have a debate during the IGC as well as after it, given that the subject is so huge. There is no guarantee that the Parliament will have a debate during the IGC process unless this committee secures one. Do members agree that we should try to do so?

Members indicated agreement.

Irene Oldfather: That is a good idea. I always welcome an opportunity to debate Europe in the chamber. Would our bid go in through the Conveners Group with those of other committees, as was the usual procedure in the last session?

Alternatively, should we write to the Executive? I know from experience that the earlier bids are placed, the better.

The Convener: In the first instance the committee should put in a bid through the Conveners Group, if members are happy about that. However, the committee and ministers are continuing discussions about the Scottish Executive's time in the chamber, so the situation might change.

Mr Raffan: Now that we have agreed an outline of the process for civic engagement that involves meetings throughout Scotland and a debate in the chamber, it is important that we give a fair amount of attention to the format of the meetings—in particular the ones that will take place around Scotland. We must consider how to conduct the meetings and whether they should be introduced by a specialist such as an academic—although that might put people off.

The Convener: I will ensure that the clerks keep members up to date. It is important that there is a dialogue between clerks and members about the meetings. Members who represent different parts of the country might want to have an input into the organisation and nature of the events in their areas. If members agree, I hope that we can treat that as a housekeeping issue, rather than bring papers to and from the committee.

Mrs Ewing: On the format of meetings, is a video or DVD—or something similar—available from the European Commission, the European Parliament or the Scottish Executive, which could be used as a kind of warm-up for the guest speaker, whoever that was? The material that I get from the Parliament's visitor centre is certainly helpful when I visit schools. Something of that nature would be helpful, so perhaps we should apply to the Scottish Executive to see whether it will produce an objective piece about the constitution.

The Convener: Fine. That is a good idea. I encourage members to direct their ideas to the clerks.

I draw members' attention to the second paper that relates to this agenda item. At our last meeting, we requested information on the ratification procedures that member states use when they adopt new European Union treaties. I record our thanks to the paper's authors and for the legal advice that the committee has received about the Scottish Parliament's powers. The information made interesting reading and will be made available to the public on the web. Do members have any comments on the paper on ratification?

Mrs Ewing: Yes. It is an excellent paper and I congratulate everyone who worked on it. It gives

the clearest exposition that I have seen of the various ratification procedures. I have a comment on the final paragraph, which says:

“Given the relevance of EU issues and Community law in most fields devolved to the Scottish Parliament the Committee may want to consider approaching Westminster in order to input into the UK’s ratification process.”

How can the committee do that? Should we meet UK ministers at Westminster or should we ask them to come here? How do we go through that process? I am sorry to be an administrator, but that seems to be a critical factor. We have read the paper—and the sift paper—and we are very keen to do something about it.

The Convener: That is an important point, but I do not want to debate it just now. Scottish and UK ministers will be invited to give evidence to the committee and the paper on ratification would form an ideal basis for committee members’ questions. It would then be for the committee to reflect on the evidence and discuss views on the ratification process.

Mr Raffan: I endorse what Margaret Ewing said. The paper is excellent and very clear—when I read it, I realised how great my ignorance was. To follow her point about the final paragraph of the paper, it is not clear at this stage what the ratification process will be, given that the Government party is maintaining the position that it will not hold a referendum, while other parties are pressing for one. We should certainly monitor the situation and ensure that we have some input, whatever the process that is eventually agreed.

Scottish Executive (Scrutiny)

14:15

The Convener: The second item on the agenda is pre and post-council scrutiny. As members know, the committee’s scrutiny role is important. One of our aims is to consider council agendas before each meeting and to get feedback from the Executive on what it believes the priorities to be. As ever, our options are to note the information that has been provided by the Executive, to ask for more information or to invite ministers to appear before the committee. I hope that members have had a chance to read the briefing paper and I invite comments on it. Is everyone happy with the recommendations?

Mrs Ewing: When I read the paper, I was concerned to find out that the Executive was not responding to our letters on pre and post-council scrutiny. I am not sure whether the correspondence that has been placed in front of us is the Executive’s last-minute response. Our input is important. On post-council scrutiny, the briefing paper states:

“There are no post-Council reports to cover this meeting.”

I do not know whether that refers solely to the agriculture council or whether it also refers to the agriculture and fisheries council on 13 and 14 October and to the employment, social policy, health and consumer affairs council. I wonder whether we can have more details on that.

I note that our staff have been placed in the position of having to anticipate what the agenda for the agriculture and fisheries council might be. The points that they have raised are relevant and bang on target, but we need to consider the matter seriously because we are heading for Christmas and the usual December decision-making council is approaching. We have to get in early. Is there an update on when we will have a copy of the agenda?

The Convener: The discussion that we are having now is the pre-council discussion. When the council has taken place, I hope that we will have some post-council scrutiny. There are several councils this month and, as members can see, the environment council is on 27 October. Information on that was due yesterday but we do not seem to have received it.

I should mention the correspondence that we have had in connection with this agenda item since members received their papers. There has been a flurry of responses from the Executive in the past couple of hours, not only on this agenda item but on other items. Following our requests

from previous meetings, we have had responses from Malcolm Chisholm and Ross Finnie. There might be others, as a range of responses has arrived in the past hour or two. That does not give the committee much time to digest the information so that we can have a proper discussion.

We would all express some unhappiness over that situation. If we are properly to carry out pre-council scrutiny, we need to have the information from the Executive—otherwise, we cannot do the job. We all appreciate the fact that the responses arrived before the meeting, but we have not had time to read them properly. If we are to carry out our role as an early-warning system and to fulfil our duties properly, I suggest that we need to receive the information at least 24 hours before meetings.

Irene Oldfather: To be fair, we should recognise that we are working to a very tight time scale. By the time we have had our committee meeting and sent out the letters, it is the end of the week. Technically, the Executive has about five working days to get information back to us and at our last meeting we asked for a large volume of information. I would rather have thorough answers—it looks as if we have received some substantial information—than letters that do not tell us anything. The detail in what we have received is good.

At our last meeting, I requested some information on things such as sugar and tobacco. From my perspective, I did not necessarily have to receive that information in time for the meeting on 13 October. The discussion will be on-going over several months and it is more important for us to receive the information and digest it than to receive information quickly that is not particularly meaningful. That varies according to the subject matter.

Some decisions will be taken at certain meetings and in those cases it is important for the clerks to be in dialogue with Executive officials. In the last session, we had a grid showing the dates on which we expected to receive information. We had an agreement that if any particularly urgent agenda items were coming up, the clerks would have informal discussions with Executive officials. I do not know whether such discussions have taken place on the items that we have requested. It would be helpful if Stephen Imrie would update us on that point.

The Convener: We will come back to that in a moment.

Mr Raffan: I am certainly not happy that this load of correspondence has suddenly arrived on the desk today. If we are to give it our attention today, which we ought to do, we should have a suspension of 10 to 15 minutes so that we can

study it. I do not want to skim through it with one eye while listening to the convener with one ear—that would be unsatisfactory. We should get the correspondence 24 hours in advance.

Obviously, I am new to the committee, but I have concerns about the health section of the report. There is a detailed response on cancer screening programmes, but I am still concerned about the colorectal cancer screening pilot and the fact that it will take about five years to plan. I do not know whether that period includes both the planning and implementation of the pilot or whether it will be implemented at the end of the five years. I would like clarification of that point because we will be out of kilter with the EU on the issue.

I am not into EU jargon, so I would welcome clarification at some stage—perhaps the clerk can give it to me after the meeting—of the agreement to

“increase the synchronisation of Social Protection Process with that of the Broad Economic Guidelines”.

I would love to know what that means in plain and simple English, which is clearly something for which the EU will not win an award in the immediate future.

Mr Home Robertson: It sounds better in Dutch.

The Convener: Given that members have been landed with all the paperwork just before the meeting, they should approach me if they want any specific items to be on the agenda for the meeting in early November. We can then discuss any items that cause concern in greater detail. I would be more than happy to do that if members approach me when they have read the correspondence.

Mrs Ewing: I listened carefully to Irene Oldfather and I appreciate the pressures that are placed on ministers to respond effectively and fully. However, I assume that we work on the basis that letters or e-mails from the committee are sent the day after a meeting. It seems to me that a 14-day gap is not excessive. I believe that, according to the codes of conduct, parliamentary questions and letters from individual members to ministers are supposed to be answered within 10 days.

As someone who reads the committee papers carefully, I find it annoying to walk in and find myself in a situation where I have to respond very quickly, as Keith Raffan said, with one eye on the correspondence and one ear listening to the discussion. It is not unfair to re-emphasise the point, which is made in one of the papers, that we expect to receive correspondence at the latest on the Monday before our meeting, so that we can read it at night if we cannot sleep.

The Convener: I will ensure that the matter is the subject of continuing discussion with the Executive, as Irene Oldfather suggests. Some agenda items will be more important than others and will be more urgent because of the time scale. That issue will become more important, especially if the early-warning system that is proposed under the draft constitution is implemented. Time will be of the essence because the turnaround period for Parliaments to make inputs will be only six weeks.

Mr Home Robertson: I have been on the other side of the desk at the Executive and I think that it has done pretty well to provide such a large amount of information within the time scale. I agree with Keith Raffan and Margaret Ewing that it is difficult for committee members to digest the replies that have just appeared on the table, but we must be realistic in our expectations of what we can get out of fairly thinly staffed departments. Quite a scatter of questions went in two weeks ago and the Executive has done well to reply to them all within the time scale.

Irene Oldfather: It is incumbent on us to be clearer when we need to receive a reply within two weeks. For example, in the last session, I thought that it would be helpful for the committee to have further information on the action plan to promote language learning and linguistic diversity. I did not think that that information had to be provided within five or six days; I just thought that at some point the committee might consider and digest the plan to see whether there was anything that we could learn from it. In refining the committee's procedures, we need to prioritise the matters on which we need a reply within two weeks.

In addition, it would be helpful to have clarification of when the Executive receives our letters and the time scale that it has in which to reply. If the Executive does not receive a letter until a Wednesday or a Thursday, it has only six or seven working days in which to provide a substantial amount of information. We need to be able to do our job properly, but in refining the process we should be more careful. Certainly, when I asked for information on sugar and tobacco, I wanted the committee to have that information but not necessarily to discuss it at today's meeting.

The Convener: There are many points that we can take on board. The fact that the Executive has now replied shows, at least, that it can be done. We just need to receive the replies a little earlier.

Mr Home Robertson: In future, can we make category A and category B requests?

The Convener: I will ask the clerks to take that on board. I reiterate that members should raise concerns prior to our next meeting, so that I can ensure that those matters are included on the

agenda. We can discuss any of them in further detail—I do not want them to be left to one side simply because the responses reached the committee late.

Margaret Ewing referred to fishing. The fishing negotiations will start later this month and continue until the vital negotiations that will take place in December, when the Commission might press for recovery plans to be put in place for the next few years, not just for next year. Those negotiations have a heightened importance. As Margaret Ewing has raised the matter, I ask the clerks to find out from the Rural Development Committee whether there are plans to invite the minister responsible for fisheries to give evidence in the run-up to those negotiations. This committee has a duty to keep a close eye on the situation, given the minister's stated objective that he wants to be better prepared for the December negotiations.

Mrs Ewing: The Rural Development Committee is now called the Environment and Rural Development Committee.

The Convener: Yes, it is. We must ensure that fishing is on that committee's agenda.

Convener's Report

14:28

The Convener: The next item on the agenda is the convener's report. There are a number of items in the report, but do not panic—I am sure that we can get through them quickly.

Although the papers that we circulated to members said that we had not had any replies from the Executive, some have now been received—our papers have been overtaken by events. In the past hour or so the committee received a reply to its letter asking the minister for information about the hallmarking directive. The minister's reply indicates that the UK Government has told the Executive that it will oppose the directive, which was put back on the agenda by the Italians. Phil Gallie, who has a keen interest in the issue, is not here; if no one else has any comments on the directive today, we will ensure that all committee members have the papers, so that Phil Gallie—or anyone else—can raise concerns at a future meeting. In the meantime, we note the minister's reply. I am sure that many members will welcome the fact that the UK Government opposes the hallmarking directive, given its implications for the Scottish jewellery industry.

Irene Oldfather: As usual, the devil is in the detail. The last time we discussed the matter, the directive had not been issued. I presume that, now that it has been, we will be able to give a full response to it. We should keep a close eye on the situation.

The Convener: The second item for consideration in the convener's report is the waste electrical and electronic equipment directive. We wrote to the minister on this; however, although we have received Ross Finnie's response, it does not contain much information. He simply says that he will get back to us prior to any announcement by the Scottish and UK Governments.

As a result, we are not much further forward with this important issue. After all, one of the reasons we are interested in it is that the Scottish Government is currently considering whether the directive should be implemented on a Scottish or a UK basis. That is why we wrote for clarification to the minister. We have still not received that clarification and I think that the committee would be interested in finding out how the Scottish Government decides whether legislation should be applied on a Scottish or UK basis.

Irene Oldfather: I have not had an opportunity to read the letter yet.

Mr Home Robertson: It is a great thin one.

The Convener: I would like to read out the reply, which is actually from David Skilling, Ross Finnie's private secretary. It says:

"Mr Finnie has asked me to reply to your letter of 10 September on being kept informed about the implementation of the WEEE Directive.

Mr Finnie will write to you prior to the issue of the Executive's and UK Government's proposals for implementing the Directive. We do not yet have a date for this, but expect it to be in late autumn."

As members will see, we are not much further forward on the matter.

Mrs Ewing: It might be helpful to write to the House of Commons European Scrutiny Committee to find out whether it has made progress on this aspect of the directive. Sometimes it gets information before we do.

Irene Oldfather: We have opened a channel of communication and begun a dialogue. That seems reasonable and important.

Convener, it seems that the letter is simply saying that the matter is still under consideration and that the Executive is happy to communicate with us.

The Convener: If members are happy for me to do so, I will continue that dialogue with the minister to find out whether we can secure any more information on the subject. After all, there is a lack of clarity about the Scottish Government's approach.

I take this opportunity to welcome to the meeting Wendy Alexander. It is her first appearance as a committee substitute for the Labour Party. At this point, it is a formality that I have to ask her to declare any relevant interests.

Ms Wendy Alexander (Paisley North) (Lab): I realise that. The answer is that I have absolutely no idea whether I have any relevant interests. However, to be on the safe side, I suppose that I should declare that I have a visiting professorship at Strathclyde University. That might be relevant if we discuss higher education at any point. I also sit on the Finance Committee and the Education Committee, but as they are part of the Parliament, there is no conflict in that respect.

The Convener: I congratulate the member. I think that that is the first time that a member has declared any interests.

Mr Home Robertson: I declared that I am a farmer.

The Convener: The third item in my report concerns the water industry. We wrote to the minister on the subject and have since received a response to our proposal. I seek members' agreement simply to note the response, which has been available for a while. I hope that members

have had a chance to read it. Are members agreed?

Members indicated agreement.

The Convener: The next item in the convener's report concerns new proposals for more information on external relations in the Scottish Parliament. Keith Raffan raised the prospect of receiving more information about inward and outward visits to the Parliament to ensure that members had more notice if they wanted to be involved in any such visits. Have you had a chance to read the report, Keith?

Mr Raffan: The paper mentions a proposal to "make a direct 'hyperlink' to new reports".

I am not too fussed about that, although I have to say that I do not know what a hyperlink is. Does it mean that you can get to reports quickly? Is it something to do with broadband?

The Convener: Welcome to the 21st century, Keith. A hyperlink is a link on a website that takes you to another website.

Mr Raffan: Right. I did not realise that that is what it is called.

There are an awful lot of visits and one hears about them only when the Presiding Officer welcomes visitors to the VIP gallery. When people visit the Parliament, they have a limited amount of time. I mentioned to the external liaison unit that members are sometimes not involved enough, and I was told that there is great pressure on members' time. It appears that visitors to the Parliament tend to meet an awful lot of officials and very few members.

Given the work of the committee, we should be given the opportunity to meet such visitors whenever possible. The business managers are also involved in that, as they tend to e-mail us to ask whether any member is able to meet a group of visitors, especially if the visit has been arranged at short notice. Obviously, the more notification that we can get, the better. I realise that many such visits are arranged at short notice, but I think that we should be given the opportunity whenever possible to meet those who are visiting the Parliament.

The Convener: I will allow Stephen Imrie to say a few words as he has been in negotiations with the Parliament's staff.

Stephen Imrie (Clerk): I had a productive meeting with the officials in the external liaison unit on the question of visitors. We have a good relationship with that unit. At the start of every month, we will endeavour to inform committee members of any visits that are taking place in the Scottish Parliament, irrespective of whether the visitors have indicated an interest in meeting

members of this committee. We will ensure that members get that list at the start of every month. Even if the visitors have not expressed a specific interest in European issues, if any committee member has an interest in meeting the visitors, I am sure that that can be accommodated.

Mr Raffan: I am grateful for that. I pay tribute yet again to the work of the ELU, which does an amazing amount of work with very few staff. They do their work extremely well and I am certainly not trying to add to the pressure that is on them. Wearing another hat, in the Commonwealth Parliamentary Association executive along with Margaret Ewing, I have worked closely with the ELU and I have always been impressed by the quality and quantity of its work.

If I may turn over the page—I made some notes when I read through the papers—my final point is on the proposal for three-way meetings involving the convener, the Presiding Officer and the Scottish Executive. I see that the convener is trying to revive these meetings. I am not quite clear about their purpose, although I am sure that they have a distinct and clear objective.

The Convener: My understanding is that, previously, occasional informal meetings involving the convener, the Presiding Officer and the Scottish Executive took place to discuss the external relations of the Scottish Parliament and get the viewpoint of Executive ministers. I am keen to revive that. I have not attended such a meeting as yet, but I would certainly be happy to do so if one were to be arranged.

Irene Oldfather: I think that the deputy convener used to be invited to those meetings. At that time, that was John Home Robertson. I am sure that you would not have any objection to extending that practice.

The Convener: No. I would not have any objection to your attending, Irene. I am delighted that you brought that point to my attention. It had slipped my mind.

We will move on to the next matter that I felt should be discussed by the committee. For the European elections, various things are going on behind the scenes that we might want to take an interest in, including the continuing situation regarding the number of Scottish MEPs, the Electoral Commission's current proposals for a pilot for postal votes and the funds that are being made available to encourage a high turnout. It is important that the committee is made aware of those three issues, as we may want to express a view on them.

On the number of MEPs that Scotland should have, the committee's position is already that we want to maximise Scottish representation in the European Parliament, so we need only restate

that. On the other two issues, I know that some people in Scotland are concerned about the pilot for postal votes—although others will support it—and I am sure that members will have a view on how funding should be used to promote turnout at the elections.

Mr Raffan: I share the concern of members throughout the Parliament on the potential reduction in the number of our MEPs. I hope that the number of MEPs for our nearly 5 million people will not go below seven, but that will still be in stark contrast to Lithuania, whose 3.8 million people will have 13 MEPs. That is a matter of concern. I know that representations have been made already but, like all these things, it is now a bit late in the day.

I am concerned that the Electoral Commission is organising the postal ballot very late in the day. I understand that individual political parties have already made representations—I know that mine has done so. I am not in any way against postal voting, which was certainly successful in a council by-election in Stirling, where it raised the turnout to over 65 per cent. That was pretty remarkable, although I do not say that that would happen in European Parliament elections. My main concern is that it is very late in the day.

The expenditure of the funds that are available to the Electoral Commission to promote turnout in Scotland—which I understand are relatively limited—should be concentrated on the immediate lead-up to the campaign and the campaign itself, for maximum impact. That is important.

The Convener: I would be happy to invite the Electoral Commission to give evidence at our meeting on 4 November, for half an hour, if members would find that useful. The Electoral Commission is responsible for both the funding to promote turnout and the postal voting pilot.

Irene Oldfather: It seems to me that a useful group for progressing some of these issues would be the EMILE—European members information liaison exchange—network. I wonder whether there was any discussion of any of these issues at that group's most recent meeting. It would be helpful if we tied in with our European parliamentary colleagues on this, to find out exactly what they are doing and how we can assist them.

The Convener: There will be no EMILE meeting until December. If we took evidence or discussed the matter with the group, we might want that to be on the record so that the Parliament would be aware of it.

I put it to the committee that we could invite the Electoral Commission to give evidence for just half an hour, which would give all of us the opportunity to ask the questions that we clearly want to ask.

We could also invite a cross-party delegation of other MEPs to our next meeting on 4 November. Would members be happy with that?

Members indicated agreement.

Mrs Ewing: I am delighted by the idea of inviting the Electoral Commission to give evidence, as I have a load of questions to ask.

Although it may be well down the road, given the fact that it appears that the decision about the number of MEPs will be taken next month, it would not do the committee any harm to submit again its view that there should not be a reduction in the number of MEPs from Scotland—for all the obvious reasons.

The Convener: If there are no objections, I am happy for us to restate that view. There is no difference in our position. We will find out what the latest position is at our meeting on 4 November. There may have been an announcement by then.

The next item in my report is the issues surrounding the role of the Executive and the Scottish ministers in providing a market analysis of the proposed new members of the EU—that has been raised a couple of times before in the committee—and their role in leading trade delegations when they are making outward visits elsewhere in Europe or beyond. Members questioned the Minister for Finance and Public Services about that when he attended the committee a couple of meetings ago. He stated:

“Scottish Development International will be taking care of most of the trade missions. I am advised that no minister-led missions are planned, but there will be trade missions and I will come back to you with the details.”—[*Official Report, European and External Relations Committee*, 9 September 2003; c 63.]

That could be part of our inquiry into the promotion of Scotland overseas, which is now under way.

A trade mission was arranged in parallel with the visit to Catalonia as part of the Scotland with Catalunya week, which I was privileged to attend on behalf of the Parliament. It appeared to be very successful. One thing that we could do today is congratulate the Executive on the fact that that trade mission was arranged.

Mr Raffan: It would be useful to have more details of that visit and what it achieved. That information may be on the web, in which case I am happy to go and search for it. However, I would certainly be interested to know more.

As you know, I feel strongly about the issue and put an oral question to the minister on it. The Scottish Council for Development and Industry is obviously carrying out trade missions; nevertheless, I remind members of what I said following my recent visit to Lithuania. The ambassador told me that there is €2 billion worth

of contracts, over the next three years, out there and waiting to be grabbed—although road and rail infrastructure is perhaps not our forte, but never mind—and that there are three nuclear plants waiting to be decommissioned. We ought to be in there, and I think that the Executive should do something about that.

I understand the sensitivity of Scottish ministers on reserved issues. I appreciate the fact that they do not want to step on the toes of UK ministers. However, it is important that Scottish business is able to maximise contracts abroad and that we build on trade, especially with those countries with which we have historic links, such as the Balkan states and Poland, to name just four.

The Convener: I hope that our relations with Lithuania are convivial following Saturday's crunch football match at Hampden.

14:45

Irene Oldfather: Ben Wallace produced a very good report on enlargement. When the committee discussed it, we considered what assessment was taking place of the social and economic impact of enlargement on Scottish business. At the time, I understood that Scottish Enterprise might commission some research on that. It would be helpful for us to know whether that research has been completed and whether the Enterprise and Culture Committee is taking an interest in the matter. There may be lessons for us to learn. The European and External Relations Committee does not want to reinvent the wheel. The previous European Committee published a good background report, but it would be helpful for us to know how some of the issues that the report highlighted are being picked up by the Enterprise and Culture Committee, Scottish Enterprise and SCDI, which is very active in this area.

The Convener: I can arrange for us to get that information and an update on Scotland with Catalunya week. We can give the Executive the good news that it has four weeks within which to provide us with a reply, as we do not meet again for four weeks.

The next item in the convener's report is a proposal to hold an event in Scotland to mark enlargement, to which we could invite the European committees of the Parliaments of the new member states. The issue was discussed informally during our visit to Brussels and members appeared to agree unanimously that it was worth pursuing. A number of members are not here today, but I invite comments on the proposal.

Mr Home Robertson: I was not on the visit to Brussels, but is there a risk of duplication in holding such an event? Have you liaised with the House of Commons European Scrutiny

Committee, as I presume that it intends to do the same thing around the United Kingdom? It is important to co-ordinate matters.

The Convener: I would be happy to have the clerks look into the matter.

Mr Home Robertson: It is important that they do so. It would be ridiculous for us to arrange an event as a one-off if the House of Commons European Scrutiny Committee were doing something similar.

The Convener: We would not expect committees to visit Scotland twice within a few weeks. We will find out what is planned.

Irene Oldfather: The committee has done a great deal of networking, but that has tended to involve other regional Parliaments. We formed the network of regional parliamentary European committees—NORPEC—and have relations with the European committees in Catalonia and Flanders. The proposal that we are discussing relates to a different network altogether. As John Home Robertson suggested, it could overlap seriously with the work of the Conference of Community and European Affairs Committees of Parliaments of the European Union—COSAC. A protocol to the draft constitution contains a reference to the work of COSAC. The event proposed is quite different from what we have done in the past, which has involved networking with committees of other regional Parliaments.

I feel that we are jumping in on this issue and I support John Home Robertson's point about the need for us to work with Jimmy Hood. A network of European committees of Parliaments of member states has been established. We could seriously tread on toes and upset our regional partners. We have discussed how we may build on the NORPEC arrangement and have said that we will not widen it immediately. We will try to deepen it and will invite new regions to join on an incremental basis. The proposal relates to something entirely different and needs further consideration. I was not on the visit to Brussels and was not party to the discussions that took place. I am not happy with the recommendation as it stands.

The Convener: The proposal is for an event to mark enlargement that would be separate from other initiatives in which the committee is involved.

Mr Raffan: I am a new member of the committee, whereas Irene Oldfather is speaking on the basis of her considerable experience in the previous session. I am enthusiastic about the proposal.

The idea is good, but it is complex and may be difficult to implement because of the number of committees that are involved. It is important to

consult others to prevent overlap. I have noted several queries. I presume that we are talking about holding the event in late June or early July next year, after the European Parliament elections. That would be good timing.

In view of the long-standing connections that many accession countries have with Scotland, it will be important to involve local communities—whether those of Poles or Lithuanians, whom I mention again. In “The Scottish Nation 1700-2000”, Tom Devine mentions them, along with Irish Catholics and Irish Protestants for the importance of their influence on the west, so I have an excuse to mention them again. It would be useful to tie in with those strong communities in Scotland.

A number of executive committee members of the Commonwealth Parliamentary Association's Scotland branch have contact with Cyprus and Malta, because they are members of the British Islands and Mediterranean region of the CPA. Several of us know parliamentarians in Cyprus and Malta, so it would be useful to involve the CPA, particularly because of those two countries.

The Convener: The informal feedback is that the date should be as soon as possible after 1 May, which is enlargement day, although that week would be impractical for many people.

Mrs Ewing: I am one of the enthusiasts for inviting the 10 new countries to send representation to our Parliament. The idea is excellent. We should celebrate the Community's enlargement and the fact that those states are, on the whole, the same size as us or even smaller. Such an event would be interesting.

We spoke earlier about trade missions, but political connections must be made, too. It is important not necessarily to refer everything back to the House of Commons or COSAC, but to take the initiative. An initial aspect of the discussion is the question whether the countries would be interested in sending a delegate. Could we host one day for the 10 accession states, or are we expected to meet committees of our own size, which would require 10 days of our time when we have other work to do? Representation from the accession states might be the most effective option.

Ms Alexander: What Margaret Ewing said hints at thinking a little more about our objectives for the meeting or conference. Three laudable objectives are involved and the ideal would be to have a single event of sufficient visibility to cover them all. One objective is visibility to the wider public of enlargement and the fact that the Community is going from having 15 members to 25. Keith Raffan's point is that we have the opportunity to showcase Scotland's links with some of those communities and to show that they are Europeans

coming back into the fold. Links with the communities that are based here provide one way to do that. Irene Oldfather mentioned the third objective. One great anxiety is that because we are at the western periphery of Europe, Scotland's companies will not take sufficient advantage of opportunities to trade in eastern Europe.

The idea is that one event should be of significant impact to touch all three bases—political links with the new Europe of enlargement, the role of communities in Scotland, and trade. It would be easier to do that if the subject was not also a source of political conflict and tension. As the chair of the House of Commons European Scrutiny Committee happens to be a Scot, we should have an early meeting with that committee about what it is doing in other parts of Britain, what it is planning to do in Scotland and whether an opportunity is available for a joint initiative—an event that would touch all those bases—that might be of more significance than one in some of what we might call the less well-known regions of England.

The Convener: That is helpful.

Mr Raffan: Wendy Alexander triggered an idea in my mind. I do not know whether members are aware that Canada is being active in Scotland at the moment; a major exhibition is to open in the Royal Museum called “Trailblazers—Scots in Canada”.

At our party conference I bumped into the Canadian High Commissioner, who said that he was coming up not just for the exhibition, but for a full day at Edinburgh city chambers on how to trade with Canada, with which the exhibition is being tied in. Those events are doubling up. As there is a long lead-in time until next June, we should consult not just the European Scrutiny Committee in the House of Commons, which is very important, but Scottish Enterprise, the Scottish Council for Development and Industry and ministers, whom we should make fully aware of what we are doing, because there is an opportunity on the trade front, too.

Irene Oldfather: Wendy Alexander has come up with some good ideas. It is a good idea to celebrate enlargement, but we need to widen things. I have a problem with the idea of linking in exclusively with parliamentary committees, because I do not really think that we should be doing that. If we can widen out the process and extend it to discussions with our colleagues at Westminster to see what they are doing, that might provide a way forward.

The Convener: I welcome the support for the objectives behind the proposal. There is much consensus on some of the benefits that could accrue to the Scottish Parliament if some kind of event were to take place. It is the first time that the

issue has been an item for discussion on the agenda, so if the committee agrees, we will take members' comments, including the idea of finding out what is happening elsewhere, and put the issue back on the agenda for 4 November. I expect that we will have to make some kind of decision on 4 November, because it is clear that we would need some time to organise. The Parliament will be able to take the lead but, as members have pointed out, we should be able to get other organisations to build on that. In the first instance, we would have to find out whether other people would visit what is happening in Westminster and elsewhere.

The final item under my report is feedback from the visit to Brussels. As I look around the table, I see that Keith Raffan and Margaret Ewing are here; they were on the visit to Brussels. My view is that it was a productive and worthwhile visit. Although there are lessons that we can learn for future visits, there were some items on our agenda there that proved to be highly productive. In particular, I found the briefings from the United Kingdom permanent representation to the European Union and from Scotland Europa to be productive and informative.

We want to record our thanks to the staff and the organisations that were involved in helping to set up the visit. Do members—especially Margaret Ewing and Keith Raffan, who were in Brussels—have any comments on the visit?

Mrs Ewing: What comes to mind is the very effective way in which the issues were addressed by all the people who spoke to us, both formally and informally. I would like to thank them all for the time that they gave to organising the visit. I also send a special message to Liz Holt of the European Commission, who hosted our lunch on Tuesday.

The Convener: Liz Holt, who is sitting in the gallery behind Margaret Ewing, has a big broad smile on her face.

Mr Raffan: I endorse what you and Margaret Ewing have said. It was a brief visit and some people may not have been entirely happy about our mode of transport, but if those who complained can travel to such meetings in a relaxed way, they have obviously got far more time than those of us who are overworked.

Mr Home Robertson: What was that about?

Mr Raffan: You obviously do not read the papers.

The UKREP meeting was a valuable opportunity to learn informally about how things work, rather than through the formal structures. I thought that the relaxed attitude about members meeting civil servants and others was something that the Scottish Executive could learn from.

Sift

14:58

The Convener: The next item on the agenda is our good friend, the sift paper. Members will recall that we have taken an interim decision to mark documents that are of special importance. Members might wish to comment specifically on those items. Early-warning systems and scrutiny will be the final item on today's agenda, so I ask members to keep the discussion tightly on the sift paper before us.

Irene Oldfather: We are making progress on how we do the sift. At the last meeting, I welcomed the system for documents of special importance. Under paragraph 3.2 of EU/S2/03/5/7, there is a question about how to continue with the system and whether we can refine the process more.

The Convener: I will hold you there. We are still on agenda item 4, which is the sift paper. As I was saying, agenda item 5 deals with the proposals for revising the sift process.

Irene Oldfather: I do apologise.

The Convener: Are there any comments on the sift paper?

Mr Raffan: Do you and the clerks decide which documents are of special importance? What criteria did you use other than the obvious one that some have more impact on Scotland than others?

The Convener: I clear the papers but, as you would expect, I rely on the clerks' guidance on which are of special importance. I made no changes to their proposals.

Irene Oldfather: On the document of special importance on the establishment of a European maritime safety agency, we have explanatory notes that show that various members of the committee have supported that idea in the past—I was one. However, it is important to note that the Scottish Executive and the UK Government are fully behind the idea and have endorsed Glasgow 100 per cent as the location for the proposed European maritime safety agency. It is important that we put on record that there is wider support for that than from just committee members.

The Convener: Are there any other comments on the sift paper? I remind members that the sift paper also goes to other committees and that if there is anything that those committees want to pursue, they will do so.

As there are no other comments, I move on to the final agenda item, which is the paper on revising the sift process. Before Irene Oldfather speaks, I remind members that the committee has been considering ways to improve our role of

scrutiny and how we carry it out. It is clear that, given that the committee deals with approximately 1,200 pieces of legislation every year, we must have a good system in place that identifies proposals that we can influence and scrutinise at an appropriate stage of the legislative process. Revision of the sift process is about achieving a good system that will enable the committee to play its role as effectively as possible.

The briefing paper is not the final word on the matter; it is intended to move things forward but we will have to continue to reflect upon the situation until we can put the perfect system in place. However, the paper contains some innovative proposals that will help us to make progress and to carry out our role more effectively. I hope that it will also help the other committees and the Parliament with their roles.

Irene Oldfather: We have come a long way from the early days of the committee and we are improving all the time.

I like the idea of documents of special importance—I mentioned that at the previous meeting. However, they should be categorised clearly to identify those that are at the pre-legislative stage. That would represent a further improvement because it would mean that other committees and members would be able to identify matters that they still have time to influence rather than those that we are learning from or that are informing us. Perhaps the table of documents of special importance could have another column that identifies which are pre-legislative, or perhaps there could be a separate category for pre-legislative documents. I am open to either suggestion but that is a further refinement that would be useful.

Other than that, the paper is good and it takes us further forward.

Mr Raffan: Anything that simplifies the process or makes it clearer would be good. From reading the paper, I am not sure that I am any clearer about the process than I was before I read it. The graphs are quite amazing and as soon as I see the word “roadmap” I begin to groan; it has been the most overused phrase for the past nine months—particularly in relation to the middle east—and now everyone is trying like mad to avoid it.

I tend to think that the sift is the lowest of our priorities, as is said in paragraph 4.2 of the clerk’s note. That is qualified when the clerk says that

“many of the activities of the Committee ... can stem from the process itself.”

I am a new member of the committee and I wait to see whether that happens. What the Commission is getting up to is, in a sense, reflected in the sift. However, I am yet to be convinced, but as long as

we do not get distracted or derailed by the sift, it is useful. I realise that a lot of work goes on behind the scenes and the more that that can be boiled down or reduced, the better.

As for the breakfast briefings on issues of importance, perhaps it would be all right if it were a late breakfast because I am not too good in the mornings. I would certainly attend them loyally.

I liked the headline “The Sift In Action”. I hope that we can get it into action in a simplified way so that it does not consume the clerks’ time. Perhaps I am being a heretic—I do not know—but that is my view.

The Convener: I must take responsibility for the word “roadmap” and for the flowcharts, which I believe help people understand how the committee interacts with the legislative process.

Mr Raffan: They are quite helpful, to be fair.

Mrs Ewing: I am slightly concerned about the fact that paragraph 3.2 says:

“Partly it is ‘instinct’ that can help officials identify key documents.”

That is worrying. I am not criticising our staff, but I think that we, as elected members, have responsibility for the process and that that comment should not be in the paper. I accept that the convener clears the sift list and so on, however.

The same paragraph deals with explanatory memoranda. Those memoranda are extremely helpful and one of the things that has impressed me every time we are faced with a sift is how concise they are. If, having read one, one wants to know more, one can do follow-up reading. In Westminster, however, the explanatory memoranda are sometimes about two pages long.

I do not know the mechanism that we would use to flag up issues that might become dynamite at a later date. Perhaps we would use bold type or different coloured paper. Far be it from me to ask for extra expenditure on the Parliament’s part, but I think that there has to be an explicit mechanism whereby members are alerted to issues that are of particular significance.

Paragraph 4.1 deals with subsidiarity and proportionality. I wonder how we are going to

“work in close co-operation with the UK Parliament.”

We know most of the members of the House of Commons European Scrutiny Committee and, although they are all very friendly, I do not know by what mechanism we would work closely with them. Would that mean additional work for our clerks or for members? Would we have people flying up and down the UK? Would it all be done by e-mail?

The Convener: I am happy to invite Stephen Imrie to comment on that. At the moment, there is an informal information-sharing procedure.

On the issue of officials using their instinct, that is described in the section of the paper that deals with the status quo. However, paragraph 4 and onwards of the paper deals with how that can be changed to allow us to have a more stable footing.

Stephen Imrie: It would be useful if the clerks and other officials had more of a political steer from members as to what are and are not areas of importance. For example, if members told officials that deliberations on fisheries issues or justice issues that had implications for Scotland were key priorities, that would help officials to be more alert to legislative proposals that fall into those areas, which would make them easier to flag up.

It is probably worth recalling that the implementation of the early-warning system is still subject to ratification, so we are still a number of months, if not years, away from working out the detail of how it would work. It is clear that the system could be significant, but it could take up a lot of time. In a previous paper we said that if the committee agreed we would bring back more thoughts after deliberation with colleagues in the House of Commons and the House of Lords on how the committees can work together in a relatively painless way without overloading members with tasks.

Mr Raffan: In my earlier ramblings, I forgot to endorse what Irene Oldfather said about flagging up the issues that we can have influence on in the early stages. The article that Gordon Heggie wrote for *Scottish Affairs*, which is enclosed in our papers, is illuminating, especially what he said about the European Committee coming to issues late in the day and, in terms of the sift, about the extraordinary dialogue between the then convener and Winnie Ewing, who asked for more information on three issues in a row only to be told that, in each case, the decisions had already been made. Obviously, issues relating to green papers and consultation processes have to be flagged up early so that we can influence them.

The Convener: I highlight the idea of a procedure by which we would involve other committees in the scrutiny process when we pass proposals to them. Such a pro forma procedure would indicate the stage that the legislation had reached, its impact on Scotland and so on, which would allow us to have a standard cover sheet to inform other committees how they could best intervene.

The paper also covers ways in which we can develop the relationship between this committee and other committees.

Do members agree to endorse the paper?

Members indicated agreement.

The Convener: We will return to the paper at a later date to reflect on how successful it has been.

I am delighted that we are able to close the meeting already—it is only ten past three. I wonder if that is to do with the fact that we have only five members today.

The next meeting is on Tuesday 4 November, when we will take evidence from the Minister for Finance and Public Services, Andy Kerr, and a UK minister.

Meeting closed at 15:12.

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